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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,604	03/01/2004	Robert W. Johnson JR.	9060-221	9585
20792	7590	05/22/2008	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC			DEBERADINIS, ROBERT L	
PO BOX 37428			ART UNIT	PAPER NUMBER
RALEIGH, NC 27627			2836	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/790,604	JOHNSON ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Robert DeBerardinis	2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 1/24/08.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-34 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

The response filed 1/24/08 consists of amending claim 1, cancelling claims 35-37 and remarks related to rejection of claims.

### ***Response to Arguments***

Applicant's arguments filed 1/24/08 have been fully considered but they are not persuasive. Applicant argues, "KADIO et al. does not disclose a loading indicator coupled to the power output and operative to provide a visual indication at the second panel (where the power output is positioned) may provide a user with segment loading information that is proximate the power output".

The Examiner disagrees with the applicant assessment of the reference. KADIO et al. teaches an uninterruptible power supply managing system described for managing a plurality of small UPS devices, the small devices are connected to power supply routes between wall sockets and load devices. Figure 24 illustrates the UPS station showing the relationship of the UPS station electrical devices, 141 designated as the large UPS, 142 (main panel) and 143 (sub-panel) designated as panel boards, 144 the wall sockets, 1 designated as the small UPS. The Applicant is correct wherein the reference teaches that an indicator file generated from data in a database is not a loading indicator that provides an indication at a panel of the UPS at which the power output is also located because the reference teaches an improvement over the small system wherein when a large number of small UPS devices are used dispersedly as described above, an administrator who manages the small UPS devices has to visit each of the locations where each of the small UPS devices is installed , and has to

Art Unit: 2836

check each of the small UPS devices one by one, in order to confirm the operating state and the setting of each of the small UPS devices (col. 1, lines 57-63). The information the administrator collected was the information displayed on an indicator on the UPS device where the power output is positioned. The argument that the power output indicator is positioned on a second panel is considered to be merely an arrangement of parts. KADIO et al. teaches visual loading indicator for a UPS device located external to the UPS device.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21 (2) of such treaty in the English language.

Claim 1-11,13,14,26-31,34 are rejected under 35 U.S.C. 102(e) as being anticipated by KADOL et al. 7,181,630.

CLAIMS 1,26,34.

KADOL et al. discloses a plurality of segment loading indicators configured to be electrically coupled to respective load segment outputs of a power supply, each of the loading indicators operative to provide an indication of a loading of the associated load segment output (col. 23, lines 47-68).

CLAIMS 2,4,5,6,7,8,10,13,27,29,30,31.

KADOI et al. discloses, wherein at least one of the segment loading indicators is operative to provide an indication of a loading of the associated load segment output with respect to load rating of the associated load segment output (fig. 6).

CLAIMS 3,28.

KADOI et al. discloses, wherein at least one of the segment loading indicators is operative to provide an indication of a loading of the associated load segment output with respect to a load rating of a circuit protection device that protects the associated load segment output ( FIG. 9, col. 29, lines 59 plus).

CLAIM 9,11.

KADOI et al. discloses, wherein the power distribution device comprises one of a power distribution unit (PDU) or load panel (FIG. 9).

CLAIM 14.

KADOI et al. discloses, wherein at least one of the segment loading indicators comprises: a current detector circuit operative to generate a current detector signal representative of current at the associated load segment output; and a display circuit operative to generate a visual display responsive to the current detector signal (col. 30, lines 50 plus).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-22, 24, 25, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over KADOI et al. 7,181,630.

CLAIMS 15, 16.

KADOI et al. discloses an apparatus according to claim 14 wherein power to a circuit is managed. It is obvious that power is a function of the current in the circuit and is part of the measurement to determine power delivered in the circuit thus current detection is obviously part of the UPS management system.

KADOI et al. is silent with respect to the current transformer or the current sense resistor both of which are well known in the art to sense the current through a circuit.

It would have been obvious to one having ordinary skill in the art at the time of this invention was made to use a current transformer or a current sense resistor to sense current in the circuit since it was known in the art to use current sensing devices such as these devices to sense current in a circuit.

CLAIMS 17-22, 24, 25, 33.

KADOI et al. discloses an uninterrupted power supply managing system is described for managing a plurality of small UPS devices, the small UPS devices are connected to power supply routes between wall sockets and load devices (abstract). The small devices obviously are contained in housings having panels with user interface means and operative to generate a voltage at the power output.

KADOI et al. teaches panels, indicators and panels, but is silent as to a second panel.

It would have been obvious to merely interface, indicators and panels in an UPS to manage the UPS since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Claims 12, 23, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over KADOI et al. 7,181,630 in view of ENGEL et al. 6,320,585.

CLAIMS 12,23,32.

KADOI et al. discloses the UPS apparatus as claimed having indicators to indicate segment loading.

KADOI et al. does not disclose indicators wherein the segment loading indicator is operative to provide respective color displays for respective load levels.

ENGEL et al. discloses segment indicators operative to provide respective color displays for respective bandwidth utilization of a segment.

It would have been obvious to one having ordinary skill in the art at the time of this invention to have modified the segment loading indicator to have a color display to display respective load levels on a segment to enhance the indication for the segment loading.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 2836

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Robert L. DeBerardinis whose number is (571) 272-2049. The Examiner can normally be reached Monday-Friday from 8:30 am to 5:00 pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Michael Sherry, can be reached on (571) 272-2084. The Fax phone number for this Group is (571) 272-8300.

RLD  
MAY 14, 2008

/Robert DeBerardinis/  
Primary Examiner, Art Unit 2836